

Application N.: 09/693,437

16

Docket No.: 426882001800

**REMARKS**

Claims 1-62 stand rejected in the present Office Action. In this response, claim 54 is amended. Accordingly, claims 1-62 are pending in the present application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and reasons.

In Paragraphs 2-22 of the Office Action, claims 1-62 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Application No. 2001/0049634 A1 (Stewart). In particular, the Examiner stated that:

As per claims 1, 16 and 31, Stewart teaches a method facilitated by a computer network (*steel electronic commerce system, fig 1*) to accomplish a trusted transaction between a business entity (*seller*) and a networked consumer (*buyer*), (*see abstract, figs 1, 2*) comprising providing an administrative server (*interactive online steel marketplace*) having a communications channel for electronically communicating (*communication network*) with the business entity and having a communications channel for electronically communicating with a networked entity and the networked consumer (*see paragraphs 0020*) . . . providing a networked entity registration system in the administrative server wherein the networked entity can be authenticated, whereby the networked entity is designated a registered networked entity (*see paragraph 0029*) and providing a networked consumer registration system in the administrative server whereby a networked consumer who has authorized access to a registered networked entity's system can be designated a registered consumer and assigned a unique registered consumer identifier (RCID), . . . (*see paragraph 0026, 0027, 0040-0083*). Furthermore Stewart teaches a method of allowing the registered networked entity to selectively access the details of the group benefits plans provided by a registered business entity and to endorse the group benefits plans wherein the administrative server will store the group benefits plans endorsed by the networked entity (*see paragraph 0026, 027, 0038*).

Each of independent claims 1, 16, and 31 recites, among other things, that a networked consumer who has authorized access to a registered networked entity's system can be designated a registered consumer. Independent claim 46 recites, among other things, that the networked

sf-1656516

Application No.: 09/693,437

17

Docket No.: 426882001800

consumer is permitted access to products and/or services by a networked entity registered with the electronic communication channel. Independent claim 54 recites, among other things, that the registered consumer identifier is outputted when the networked consumer associated with the registered consumer identifier has permission for authorized access to the products and/or services by the networked entity.

Stewart discloses an electronic commerce system in which "qualified users must either register as a buyer [] or a seller []." Paragraph 0036. The electronic commerce system is implemented using website servers. A website controller of the electronic commerce system handles administrative functions of the system. See paragraphs 0028, 0029. Each seller registered to sell products through the electronic commerce system provides product information to the electronic commerce system. Paragraph 0040. A buyer becomes a registered buyer or buyer member of the electronic commerce system after approval by the website controller and one or more registered sellers. Paragraphs 0042, 0057.

In contrast, each of independent claims 1, 16, 31, 46, and 54 recites a networked entity determining who can be a registered consumer. The registered consumer can access products and/or services provided by registered business entities and make selections on the products and/or services. Stewart fails to disclose a networked entity determining who can be a registered consumer. The networked entity, as recited in Applicants' claims, is different from the website controller and registered seller of Stewart.

With respect to Stewart's website controller, since it is part of the electronic commerce system, it need not register or authenticate itself to the electronic commerce system. Each of independent claims 1, 16, 31, 46, and 54 recites the networked entity as registered or authenticated to the system accomplishing the trusted transaction, in order for the networked entity to designate registered consumers. With respect to Stewart's registered seller, Stewart discloses that each registered seller provides "necessary profile information, such as indicating the type of steel product that it will sell (e.g., flat[,], rolled, sheet, and coils)." However, in each of independent claims 1, 16, 31, 46, and 54, it is the registered business entities that submit details of the products and/or services

sf-1656516

Application No.: 09/693,437

18

Docket No.: 426882001800

to the system accomplishing the trusted transaction. Thus, the networked entity is not analogous to Stewart's website controller or registered seller.

Moreover, Applicants respectfully disagree with the Examiner characterization of Applicants' business entity and networked consumer as being analogous to Stewart's seller and buyer, respectively, for at least the same reasons as discussed above. But in any case, the Examiner fails to point out disclosure of a networked entity, as recited in the claims, in Stewart.

Still further, Stewart may disclose the electronic commerce system facilitating payment or transaction approvals relating to buyers, the approvals in some instances involving a party other than sellers. Nevertheless, such approvals are either provided by sellers as part of the buyer's registration process; or by financial institutions, credit card issuers, other holders of lines of credit, or steel transporters after buyers have become registered. See paragraphs 0038, 0074. Thus, Stewart does not disclose a networked entity determining the registered consumers.

Lastly, it is respectfully submitted that Applicants were unable to fully appreciate Stewart, and in particular, some portions pointed out by the Examiner in the Office Action because of the incomplete publication of Stewart. The Stewart specification makes reference to Figures 2-5, 11, and 14. However, only Figure 1 is publicly accessible and the Examiner did not provide Applicants with the missing figures.

Accordingly, Applicants respectfully submit that independent claims 1, 16, 31, 46, and 54 are allowable over Stewart. Claims 2-15, 17-30, 32-45, and 47-53, and 55-62, which depend from one of claims 1, 16, 31, 46, and 54, are also in a condition for allowance for at least the same reasons as discussed above for independent claims 1, 16, 31, 46, and 54.

In view of the foregoing, it is respectfully submitted that each and every outstanding rejection has been overcome. Amendment and cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. If the Examiner

sf-1656516

Application No.: 09/693,437

19

Docket No.: 426882001800

believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882001800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 25, 2004

Respectfully submitted,

By 

Katherine D. Lee

Registration No.: 44,865

MORRISON &amp; FOERSTER LLP

425 Market Street

San Francisco, California 94105

(415) 268-6983

sf-1656516